

Response Under 37 C.F.R. § 1.114(c)
Application No.: 10/784,966
Attorney Docket No.: Q80094

REMARKS

Claims 1-13 are all the claims pending in the application.

In the Advisory Action of June 9, 2006, the Examiner argued that the Federal Circuit case of Atofina is not persuasive because Hsu teaches that the range of 20 to 80 nm is a preferred range for the light emitting layer. However, in Atofina, the Federal Circuit held that a preferred overlapping temperature range of the prior art did not anticipate the claimed range. Accordingly, applicant submits that Atofina applies to the present case, and that Hsu, therefore, does not anticipate the present claims because Hsu does not disclose a light emitting diode containing a light emitting layer having the layer thickness required by the present claims, and does not disclose the combination of thicknesses recited in the present claims.

The Examiner also argues that the PANI layer in Hsu is a hole-injecting layer and is not included in the claimed electron-transporting layer and light-emitting layer.

Applicant has argued that the PANI layer is a hole-injecting layer, and therefore is considered to be an electron-transporting layer. The Examiner disagrees that the hole-injecting PANI layer of Hsu is an electron-transporting layer.

After considering the matter again, applicant agrees that the PANI layer of Hsu is not an electron-transporting layer. Applicant points out, however, that Example 3 of Hsu, which is the only working Example in Hsu that discloses a light emitting diode with a thickness for the layers, does not satisfy the present claims because it does not contain an electron-transporting layer. Example 3 of Hsu discloses an electroluminescent layer (EL layer) having a thickness of 70nm.

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A light emitting diode that does not contain an electron-transporting layer is not within the scope of the present claims.

In view of the above, applicant submits that Hsu does not defeat the patentability of the present claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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